

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

DENNY DENSMORE,)	C.A. NO. 2:14-CV-2082-MBS
)	
PLAINTIFF,)	
)	
vs.)	DEFENDANT’S MOTION TO DISMISS
)	PLAINTIFF’S COMPLAINT
NATIONAL BOARD OF MEDICAL)	
EXAMINERS,)	
)	
DEFENDANT.)	
_____)	

Defendant, National Board of Medical Examiners (“NBME”) (hereafter “Defendant” or “NBME”), by and through its undersigned counsel, hereby submits this Motion to Dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Defendant’s Motion to Dismiss is based on the ground that Plaintiff’s Complaint fails to set forth a claim upon which relief can be granted. Defendant NBME’s Motion is further based on the following grounds:

- I. Plaintiff’s claim is barred by the applicable statute of limitations.

- II. Plaintiff’s Complaint fails to provide facts sufficient to state an ADA claim because it does not allege facts showing Plaintiff is disabled in accordance with the ADA, and instead alleges he is disabled in comparison to individuals with similar education and training, which is not the appropriate comparison group for establishing disability under the ADA.

Defendant’s Motion is also based on the arguments and citation of authority contained in the Memorandum in Support of Defendant’s Motion to Dismiss filed herewith.

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